

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Bing GUAN; Go NAKAMURA; Mark
ABRAMSON; Kitra CAHANA; and Ariana
DREHSLER,

Plaintiffs,

V.

Chad WOLF, Acting Secretary of Homeland Security; Mark MORGAN, Acting Commissioner, U.S. Customs and Border Protection; and Matthew ALBENCE, Acting Director, U.S. Immigration and Customs Enforcement,

Defendants.

No. 19-CV-6570 (PKC/JO)

(Hon. Pamela K. Chen)

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that Defendants Chad WOLF, Acting Secretary of Homeland Security; Mark MORGAN, Acting Commissioner, U.S. Customs and Border Protection; and Matthew ALBENCE, Acting Director, U.S. Immigration and Customs Enforcement (collectively, “Defendants”) respectfully move this Court to dismiss the Complaint for Injunctive and Declaratory Relief (ECF No. 1) in the above-captioned action for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(1), and for failure to state a claim upon which relief may be granted, pursuant to Fed. R. Civ. P. 12(b)(6). In support of this motion, Defendants respectfully submit the annexed Memorandum of Law and the annexed Supplemental Declaration of Michael B. Firing (including Exhibits 1-10). In accordance with the scheduling order entered in this case, Plaintiffs’ papers in opposition to the motion are due to be served by June 26, 2020, with Defendants reply due by July 24, 2020. In accordance with the Individual Practice Rules of the Honorable Pamela K. Chen, the motion papers will not be filed until the motion is fully briefed. Oral argument is requested.

Dated: Brooklyn, New York
May 21, 2020

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By: /s/ {SERVED ELECTRONICALLY} _____
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